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# International Committee of Red Cross versus International red Crescent: The Recent Practices as Subject International Law

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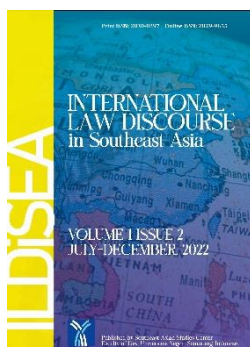
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**ABSTRACT:** The International Red Cross has different characteristics so that in its development, this organization is accepted as one of the subjects of international law. However, the International Red Cross Asia has limitations in the subject of law. International treaties such as the 1949 Red Cross Conventions provide certain rights and obligations. The rights and obligations are given by the convention indirectly to individuals through the country that is a participant in the convention. Through such construction, many individual circumstances or events that are subject to international law based on a convention can be returned to the countries that are participants in such a convention, namely the Convention

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on the Settlement of Investment Disputes between States and Nationals of Other States and The European Convention on Human Rights. This study analyzes recent developments regarding the International Red Cross as a subject of international law. This study also analyzes the position of the International Red Crescent as one of the subjects of international law in practice.

**KEYWORDS:** International Red Cross, International Red Crescent, Subject of International Law, International Law Practices

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## I. INTRODUCTION

As many experts emphasized, despite the fact that the state is the main subject of international law, the state today is not the only subject of international law. This situation is none other than caused by various changes that have occurred in the international community from century to century which is a reflection of the international community today. The assumption that the state is the only subject of international law is a very reasonable assumption in the circumstances that relations between states are identical with international relations. The term interstate law which is still sometimes used by people is proof that this assumption still has adherents. As with other international law issues that we have discussed previously, we can examine this issue theoretically, but we

can also review practically. Theoretically it can be argued that the real subject of law is only the state. And, basically the state is the most important, most important legal subject and has the greatest authority as a subject of international law<sup>1</sup>International treaties such as the 1949 Red Cross Conventions provide certain rights and obligations<sup>2</sup>. The rights and obligations are given by the convention indirectly to individuals through the country (his) that is a participant in the convention. Through such construction, many individual circumstances or events that are subject to international law based on a convention can be returned to the countries that are participants in such a convention, namely the Convention on the Settlement of Investment Disputes between States and Nationals of Other States and The European Convention on Human Rights.

The stance that says that international agreements only apply within the territory of a country that becomes a participant after the enactment of implementing legislation, which is commonly known as transformation theory, is another embodiment of transformation theory, which is another embodiment of the theory that only states are subjects of international law and in line with the line of thought described above. Contrary to the above theory, there is another theory which states the opposite in a very extreme way, namely that in fact individuals are the real legal subjects of international law, because in

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<sup>1</sup> Sefriani Sefriani, *Hukum Internasional Suatu Pengantar*. (Jakarta: Rajawali Pers, Jakarta, 2019), pp. 13-14; Ridwan Arifin, *Hukum Internasional: Teori dan Berbagai Perkembangannya*. (Semarang: BPFH UNNES, 2020). See also Harold Hongju Koh, "International law as part of our law." *American Journal of International Law* 98, No. 1 (2004): 43-57; Jan Klabbbers. *International Law*. (Mass: Cambridge University Press, 2020).

<sup>2</sup> Mochtar Kusumaatmadja, *Konvensi-Konvensi Palang Merah 1949, Mengenai Perlindungan Korban Perang*. (Bandung: Alumni, 2002), p. 109.

the final analysis it is the individual who is the subject of all national and international laws. According to this theory put forward by Hans Kelsen in his book *Principles of International Law* with logic and analysis that is difficult to refute, the so-called rights and obligations of the state are actually the rights and obligations of all human beings who are members of society who organize themselves in that state. In Kelsen's view of this theory, the state is nothing but a juridical construction that would not be possible without the human members of that state's society. What is important and should be the starting point for a realistic discussion of the subject of international law is the understanding of the subject of international law itself. In a real sense, the subject of international law is the holder of (all) rights and obligations under international law. If we want the subject of international law as such, we can call it a full subject of international law. The state is a subject of international law in this sense. For positive legal observations it does not matter what is the legal source of these rights and obligations. If we look at the problem in this way, international law regarding the subject of international law is one of them is the International Red Cross.

The International Red Cross, based in Geneva, has its own (unique) place in the history of international law. It can be said that this organization as a legal subject (which is limited) was born because of history although later its position (status) was strengthened in the treaties and then the Red Cross conventions (now the 1949 Geneva Conventions on the Protection of War Victims).<sup>3</sup> The International Red Cross or ICRC (International Committee on the Red Cross) is a non-governmental organization whose members are the Red Cross

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<sup>3</sup> Boer Mauna. *Hukum Internasional; Pengertian, Peranan & Fungsi dalam Era Dinamika Global*. (Bandung: Alumni, 2001), p. 55.

and the National Red Cross of countries and are domiciled in Switzerland. The position of this Non-Government Organization as a subject of international law cannot be separated from its great role in providing assistance to war victims, especially in World War I and II. In addition, this Non-Government Organization made a major contribution to the formation of the 1949 Conventions governing the law of war or international humanitarian law.<sup>4</sup> Although it has the status as a subject of international law, but in a very limited scope. The ICRC is only engaged in the humanitarian field, providing protection for victims of war both on a domestic and international scale. The formulation of the problem in this paper will discuss about Scope of International Law Subjects the Red Cross International in International Law.

## II. METHOD

The research method used by the author this time is the method of library research. This research is library research, namely research carried out using literature (library), both in the form of books, national journals, international journals, and journal articles sourced from the Unnes Law Journal. Library research or library research may be very familiar to final students who use qualitative research methods. Some even think that qualitative cannot be separated from the literature which only deals with piles of book references. Whereas library research is only one type of qualitative research method. In this paper we will discuss what exactly is library research? Library research utilizes library resources to obtain research data. Strictly

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<sup>4</sup> Mochtar Kusumaatmadja. *Pengantar Hukum Internasional*. (Bandung: Penerbit Alumni, 2003), p. 101.

speaking, library research limits its activities only to library collection materials without conducting field research.

Literature research is not just a matter of reading and recording as much literature or books as many people have understood so far. What is called library research or often also called library research, is a series of activities related to the methods of collecting library data, reading and taking notes and processing research materials. Literature research is not just a matter of reading and recording as much literature or books as many people have understood so far. What is called library research or often also called library research, is a series of activities related to methods of collecting library data, reading and recording and processing research materials.

The characteristics of the library method or library research, among others, the first is that the researcher deals directly with text (nash) or numerical data and not with direct knowledge from the field or eyewitnesses in the form of events, people or other objects. The second is the library data is 'ready to use' (ready made). This means that researchers do not go anywhere, except only dealing directly with source materials that are already available in the library. The third is that library data are generally secondary sources, in the sense that researchers obtain material from second hand and not original data from firsthand in the field. And the fourth is the condition of library data that is not limited by space and time. Researchers are dealing with static, fixed information. In writing the library research method, the research problem can only be answered through library research and otherwise it is impossible to expect data from field research. Historical studies generally use the library research method; besides that, religious and literary studies also use this method. Literature studies are needed as a separate stage, namely preliminary

research to understand more deeply the new phenomena that are developing in the field or in society.

Library data remains reliable to answer research problems. Isn't the library a very rich gold mine for scientific research? Information or empirical data that has been collected by other people, in the form of research reports or official reports, books stored in libraries can still be used by library researchers. Literature study is an activity that cannot be separated from research. The theories that underlie the problem and the field to be researched can be found by conducting a literature study. In addition, a researcher can obtain information about similar or related studies. And the research that has been done before. By conducting a literature study, researchers can take advantage of all the information and thoughts that are relevant to the research. A researcher should know or not feel foreign in the library environment because by knowing the library situation, researchers will easily find what is needed. To obtain the information, researchers need to know the sources of such information, such as catalog cards, general and specific references, manuals, manuals, research reports, theses, dissertations, journals, encyclopedias, and other special materials. Thus, researchers will obtain the right information and sources in a timely manner short and makes writing easier. The library method will be very useful because it can accommodate many literacy sources.

### **III. THE HISTORY OF THE EXISTENCE OF THE INTERNATIONAL RED CROSS**

International Committee of The Red Cross (ICRC) is an international humanitarian movement whose mission is to protect and assist victims of armed conflict and situations of domestic disturbances, both civilian and military, with the principles of impartiality,

neutrality and independence as guidelines in implementing the movement.<sup>5</sup>When a territory of a sovereign state is declared to have no victims of armed conflict, the ICRC expands the mission of the movement by providing assistance to victims of violence caused by other situations. The mission is aligned with world developments and the needs of victims in increasingly vulnerable situations and conditions due to increasingly varied violence. The consistent application of the ICRC's humanitarian principles, building trust with relevant authorities and carrying out activities in a professional manner so that many countries accept the ICRC by continuing and expanding its activities beyond the acute crisis phases.

The ICRC's activities are visiting prisoners of war and civilian prisoners; looking for missing persons; delivering news between family members separated by conflict; reuniting separated families; provide food, water, and medical assistance to civilians who do not have access to these basic needs; disseminating knowledge of International Humanitarian Law (IHL); monitor compliance with IHL; and directing attention to cases of violations of IHL and assisting the development of IHL. The establishment of National Red Cross or Red Crescent Societies in each country is an additional responsibility to seek the development of its partners at the national level. The existence of national associations gives the ICRC the benefit of being able to mobilize a world-scale humanitarian network in accordance with universal humanitarian principles.

The development of the ICRC throughout the world cannot be separated from Henry Dunant (1828-1910). The development of the

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<sup>5</sup> Abd Latif Bustami, "Palang Merah di Negeri Bulan Bintang: Sebuah Kajian tentang Strategi Kebudayaan International Committee of The Red Cross (ICRC) di Indonesia", *Jurnal Sejarah dan Budaya* 1, No. 1 (2014): 41-53.



ICRC throughout the world cannot be separated from Henry Dunant (1828-1910). The idea of forming the ICRC originated from the concerns of Henry Dunant who witnessed the incident of victims of the war in Solferino (the name of a city in the lowlands of the Province of Lambordi, northernmost Italy, approximately 9 km south of Lake Garda) on June 24, 1859 between France and Austria over the territory of Sardinia so that an estimated 40,000 people were killed and injured. France assisted Sardinia with a number of concessions, namely the territories of Savoy and Nizza were ceded to France in accordance with the Secret Treaty of Flombieres. This war ended in peace in Zurich in 1859 on the condition that Napoleon III received Lombard from Austria which was directly handed over to Sardinia by Napoleon while Savoya and Nizza were handed over by Sardinia to France. Dunant as a businessman and serving as a servant to the people witnessed the incident asking for the help of the local community to help treat victims from both parties who must be given equal care. Dunant's experience with this incident is documented in a book entitled *Un Souvenir De Solferino* or in its English edition *A Memory of Solferino* which contains the implementation of ideas in peacetime, namely the importance of establishing humanitarian aid associations that have nurses ready to care for victims. Wounds during war and volunteers assigned to assist the medical services, armed forces, and associations are recognized and protected through an international treaty. The idea developed widely and gained public sympathy.

Gustave Moynier, a lawyer and Chair of The Geneva Public Welfare Society (GPWS) expressed interest and intention to implement it and asked Dunant to state his ideas at the GPWS meeting on February 9, 1863 at the Casino Saint-Pierre Building. It turned out that 160 of the

180 GPWS members who attended supported Dunant and agreed on that support in an activity called the Mounier-Dunant Project. The project was formed by a committee consisting of Gustave Moynier (Chairman of GPWS), dr. Louis Appia, dr. Theodore Maunoir, General Guillame-Henri Dufour (all three members of the GPWS). Dunant was not involved in the project because he was not a member of the GPWS. It turned out that 160 of the 180 GPWS members who attended supported Dunant and agreed on that support in an activity called the Mounier-Dunant Project. The project was formed by a committee consisting of Gustave Moynier (Chairman of GPWS), dr. Louis Appia, dr. Theodore Maunoir, General Guillame-Henri Dufour (all three members of the GPWS). Dunant was not involved in the project because he was not a member of the GPWS. It turned out that 160 of the 180 GPWS members who attended supported Dunant and agreed on that support in an activity called the Mounier-Dunant Project. The project was formed by a committee consisting of Gustave Moynier (Chairman of GPWS), dr. Louis Appia, dr. Theodore Maunoir, General Guillame-Henri Dufour (all three members of the GPWS). Dunant was not involved in the project because he was not a member of the GPWS. It turned out that 160 of the 180 GPWS members who attended supported Dunant and agreed on that support in an activity called the Mounier-Dunant Project. The project was formed by a committee consisting of Gustave Moynier (Chairman of GPWS), dr. Louis Appia, dr. Theodore Maunoir, General Guillame-Henri Dufour (all three members of the GPWS). Dunant was not involved in the project because he was not a member of the GPWS.<sup>6</sup>

#### **IV. SCOPE OF INTERNATIONAL RED CROSS LEGAL SUBJECTS IN INTERNATIONAL LAW**

The subject of international law can be interpreted as a state or non-state entity which in certain circumstances has the ability to be a supporter of rights and obligations under international law. The emergence of international organizations both bilateral, regional and

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<sup>6</sup> KGPH Haryomataram, *Pengantar Hukum Internasional*. (Jakarta: RajaGrafindo Persada, 2005), p. 78

multilateral with various interests and underlying backgrounds are finally able to be considered as subjects of international law.<sup>7</sup> According to I Wayan Parthiana, legal subjects are generally defined as holders of rights and obligations according to law.<sup>8</sup> Meanwhile, according to Mochtar Kusumaatmadja, the meaning of the subject of international law is:

- 1) Holder of all rights and obligations under international law. This kind of legal subject is called a full international legal subject, for example the state.
- 2) It also includes situations where it has only limited rights and obligations, for example the authority to prosecute rights granted by international law before a court based on a convention, such as an individual.
- 3) The subject of international law has a position under customary international law because of historical developments

With the ability as the holder of these rights and obligations, it means that there is the ability to enter into legal relations that give birth to rights and obligations. In general, what are seen as legal subjects are:

- 1) Individuals or individuals or called natural persons and
- 2) An agency or institution that is intentionally established for a specific purpose and purpose which because of its nature, characteristics, and style is deemed capable of being domiciled as a legal subject.

In other words, it can be concluded that the legal subject according to international law is the holder or supporter of the rights and

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<sup>7</sup> I Wayan Parthiana, *Pengantar Hukum Internasional*. (Bandung: Penerbit Mandar Maju, 1990), p. 58.

<sup>8</sup> Rudi T May. *Hukum Internasional I*. (Bandung: Refika Aditama, 2001), p. 44.

obligations under international law. There are several subjects of International Law, namely:

- 1) Country. The state as the main subject of international law is formed from constitutive elements: a permanent population, a certain territory, government and sovereignty<sup>9</sup>
- 2) Holy See (vatican)
- 3) Indonesian Red Cross
- 4) International Organization

The International Red Cross as a legal subject is an organization within the national scope, namely Switzerland, which was founded by five Swiss citizens, led by Hendry Dunat and is engaged in the humanitarian field. Humanitarian activities carried out by the International Red Cross gained sympathy and expanded in many countries, which later formed the National Red Cross in their respective regions. The National Red Cross from these countries was then assembled into the International Committee of the Red Cross (ICRC).

The International Red Cross, based in Geneva, has a special place in the history of international law. This organization as a legal subject was born because of history although later its position was strengthened in treaties and then the Red Cross conventions (now the 1949 Geneva Conventions on the protection of war victims). The International Red Cross is generally recognized as an international organization that has a position as a subject of international law, although with a very limited space. Position as a subject of international law although with a very limited scope. Meanwhile,

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<sup>9</sup> Marlina Marlina, "Perlindungan Hak Buruh Migram Oleh Negara dalam Kedudukannya Sebagai Subjek Hukum Internasional", *Pandecta Research Law Journal* 8, No. 2 (2013): 182-195.

Bowett seems to reject the notion that the ICRC is an international organization. This can be seen from his opinion which classifies the ICRC as a private international union, while what is considered the beginning of the development of international organizations according to him is the public international union. Throughout most of its history, the International Committee of the Red Cross (ICRC) has particularly refrained from applying international human rights laws, for reasons of politicization proposed by these laws.<sup>10</sup> However, the changing character of armed conflict and other violent situations in which the ICRC currently operates has prompted it to establish a framework for making limited use of selected and applicable human rights, for the purpose of strengthening the protection and assistance it provides. This article discusses how the ICRC can exercise human rights in this way during armed conflict, through the prism of international humanitarian law, as well as the requirements for their prayers in accordance with relevant ICRC doctrine.

Article 1 of the ICRC Statute states that the ICRC is “an independent humanitarian organization”. In addition, Oppenheim, Goodspeed, and generally the opinion of other scholars who expressly state that the membership of international organizations are states, of course, will refuse to classify the ICRC as consisting of individuals, although it must be admitted that the ICRC meets most of the criteria as an international organization, for example:

- 1) Have a permanent organization to carry out its functions, in the form of special organs that will carry out ICRC functions as stated

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<sup>10</sup> Sergey Sarapin, “The International Committee of the Red Cross and International Human Rights Law”, *Oxford Journal of Human Rights Law Review*, 9, No. 1 (2009): 95-126. doi.org/10.1093/hrlr/ngn044.

in the ICRC Statutes, Movement Statutes, and the Geneva Conventions.

- 2) Has a basic instrument in the form of the ICRC Statute which was adopted on June 21, 1973, which includes the ICRC organizational structure (articles 8-10), operating methods in the form of "Rules of Procedure" (article 13), both for the ICRC itself and in its capacity as part of the International Red Cross and Red Crescent Movement.
- 3) Has a consultative institution in the form of the International Conference of the Red Cross which is held every 4 years. At this conference various resolutions were produced which will serve as working guidelines for all elements of the Movement. The conference was attended by the ICRC, Federations, National Societies, as well as the countries signing the Geneva Conventions. In addition, there is also a Council of Delegates consisting of representatives of the ICRC, Federations and National Societies which meet every two years to provide opinions on policies and general issues for all elements of the Movement.
- 4) Has a permanent secretariat based in Geneva which carries out administrative, research and information functions on an ongoing basis.

The International Red Cross basically also has a scope or scope in carrying out its activities, the scope is summarized in the basic principles of the Red Cross. The basic principles of the Red Cross are known as the 7 Principles of the Red Cross which were ratified in Vienna (Austria) by the XX International Conference of the Red Cross and Red Crescent Societies in 1965. Consists of:

- 1) Humanity. That the Red Cross and Red Crescent Movement was founded based on the desire to provide assistance without

discrimination of victims in battle, to try to prevent and overcome the suffering of fellow human beings.

- 2) Impartiality. That this movement does not discriminate against nation, ethnicity, religion and politics, its purpose is solely to reduce human suffering according to their needs and prioritize the most severe ones.
- 3) Neutrality. That this movement may not take sides or involve itself in political, religious, ethnic or ideological conflicts in order to always win the trust of all parties.
- 4) Independence. That this movement is independent, its task is to assist the government in the humanitarian field, must comply with the country's regulations and must maintain the autonomy of the country so that it can act in accordance with the red cross principle.
- 5) Voluntary Service. This movement provides assistance voluntarily, not for profit.
- 6) Unity. This movement in a country there is only one Red Crescent or Red Crescent Society which is open to everyone and carries out humanitarian tasks throughout the region.
- 7) Universality. That this movement is universal in that every association has the same rights and responsibilities in helping others.

## **V. THE ROLE OF THE INTERNATIONAL RED CROSS IN DEALING WITH PROBLEMS IN A COUNTRY?**

To explain the role of the International Red Cross in helping to deal with humanitarian problems that occur in a country, this paper will provide examples of existing searches in research entitled "The Role of the International Of The Red Cross (ICRC) in Overcoming Humanitarian Problems in Aceh in 2004- 2006".Specifically in this

presentation, it focuses on the role of a non-governmental organization in dealing with humanitarian problems in situations of armed conflict and natural disasters, the organization in question is the International Red Cross or the so-called International Committee of The Red Cross (ICRC). This organization based in Geneva Switzerland on June 24, 1863 was founded by Henry Dunant and originally named the "Commission of Five" with four other prominent figures from the famous Geneva family, as a commission of inquiry of the Geneva Society for the welfare of society.<sup>2</sup> The official mission of the ICRC is as an organization impartial, neutral and independent humanity whose mission is solely humanitarian in nature, namely to protect the lives and dignity of victims of armed conflict, war, and other situations of violence and provide them with help and assistance. The ICRC carries out its duties based on the 1949 Geneva Conventions and the Statutes of the Movement, in which the ICRC's duties are:

- 1) Monitor the parties' compliance with the Geneva conventions
- 2) Organizing the treatment of the wounded on the battlefield
- 3) Supervise the treatment of prisoners of war and intervene in a confidential manner with the authorities who carry out the resistance.
- 4) Help find people missing in armed conflict
- 5) Organizing the protection and care of the civilian population
- 6) Act as a neutral intermediary between the belligerent parties

The general mission of the ICRC is to protect and assist victims of armed conflict and situations of internal disturbance, civil or military, in a neutral and impartial manner. In addition to carrying out operational activities to protect and assist victims of armed conflict, the ICRC also has a mission to promote international humanitarian



law<sup>11</sup> and ICRC has carried out its mission in more than 80 countries in the world, spread over 27 countries in Africa, 14 countries in Asia, 27 countries in Europe and America, and 12 countries in the Middle East and North Africa. The ICRC's missions include the following; Providing Protection Protection activities include visits to places of detention and restoration of family relationships. The ICRC does not discriminate against victims and is consistent in its neutral position by regularly making visits to detainees and conducting confidential and constructive dialogue with responsible and responsible authorities regarding material conditions and treatment. Providing Aid, Humanitarian crises often coincide with other crises such as famine, disease, and economic turmoil. So that in this condition the ICRC is ready to try to provide the needs of the victims in the form of food and medicine assistance as well as making water supplies or medical facilities.

In cooperation with the National Association of States, the ICRC always cooperates with the associations of any country in which it operates, the aim is to facilitate movement and increase the ability of national associations to fulfill their responsibilities in providing humanitarian services in their respective countries. The collaboration is like providing training to key health staff, surgeons, and other technicians. Aceh is indeed blessed with various kinds of privileges and natural resources—which tragically also invites conflict. In particular, its strategic geographical position, It is located at the crossroads of a bustling seaway, which connects the Indian Ocean and the South China Sea. Right at the crossroads of two of the world's

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<sup>11</sup> Hany Farika, "Peran International Committee of The Red Cross (ICRC) dalam Mengatasi Masalah Kemanusiaan di Aceh Tahun 2004-2006", *Jurnal FISIP* 2, No. 2 (2015): 1-7.

great cultures, India and China. Potential as a place of rendezvous for sailors, as well as strategic as a nest of pirates to block rich ships. Given the position of Aceh which is at the western tip of the archipelago, this country is also the first gate that pilgrims must pass when leaving for the holy land by sea. So this country also had a famous nickname as the Veranda of Mecca. The tsunami is the worst natural disaster event that will not be forgotten by the people of Aceh and the world. Tsunami comes from Japanese which literally means big waves in the harbor. A tsunami is a displacement of a body of water caused by a sudden vertical change in sea level. Changes in sea level can be caused by an earthquake centered under the sea, or the impact of a meteor in the sea. Tsunami waves can propagate in all directions. The energy contained in the nature of a tsunami wave is a function of its height and speed. In the deep sea, tsunami waves can propagate at speeds of 500-1000 km per hour. Equal to airplane's speed. Deep-sea wave height is only about 1 meter. Thus the speed of the waves is not felt by the ship that is in the middle of the sea. When approaching the coast, the speed of the tsunami waves decreases to about 30 km per hour, but the height has increased to tens of meters. The hit of the tsunami waves can enter up to tens of kilometers from the shoreline. The damage and loss of life caused by the tsunami can be caused by the impact of water or material carried by the flow of the tsunami waves. The negative impact caused by the tsunami is to destroy everything in its path. Buildings, vegetation, and causing human casualties and causing inundation, salt water pollution of agricultural land, soil and clean water. The role of the ICRC in Helping Aceh and PMI Overcome the Tsunami is that during the three weeks following the Tsunami, ICRC staff conducted an assessment of more than 90 shelter locations in Banda Aceh, Aceh

Besar Districts, Pidie Districts, Bireuen and Lhokseumawe. They quickly assessed.

With the cooperation of the ICRC and PMI, 122,310 refugees (24,462 households) have received non-food items in the form of basic hygiene needs, clothing, underwear, cooking utensils, tents, tarpaulins, mats, blankets and equipment for babies (family supplies). 6 and 13 January 2004, the ICRC in cooperation with PMI distributed food for one week's needs (rice, noodles, cooking oil, canned fish, salt, sugar, milk powder, and biscuits) to a total of 50,266 refugees (11'086 households). 500 cleaning kits were assembled and distributed in 90 shelter locations. The ICRC ensured that the assistance that had been provided was in accordance with the needs of the IDPs, such as self-remediation, hygiene and equipment for livelihoods. Immediately after the tsunami, the ICRC provided materials, logistics and financial support for PMI activities. Initially,

PMI focused on evacuating dead relief items and distributing them. Other components of the Movement have also been operating in Aceh province since the tsunami. This includes the International Federation of the Red Cross and many National and Red Crescent Societies. To date, more than 90 projects aimed at supporting PMI's rehabilitation and reconstruction efforts have been approved in the Movement Coordination Framework. Some of the 25 National Red Cross and Red Crescent Societies as well as the International Federation, ICRC and PMI have contributed to program implementation, for example, rehabilitating PMI's ambulance service; organize psychosocial support; restore water supplies; reconstruct homes, schools and health centres; and rehabilitate PMI infrastructure and increase emergency response capacity. The Federation and the ICRC have signed, on behalf of the entire

Movement, an agreement with the newly formed government implementing agency for the reconstruction and rehabilitation of Aceh and Nias. The agreement underscores the Movement's commitment to providing the Acehnese people with a value of \$600 million' support in various sectors. This is seen as an important step in the Movement's position as a key player in the recovery and rehabilitation of the tsunami operations phase.

## VI. CONCLUSION

This study highlighted and concluded that although the legal basis, both in the international and national scope, regarding the protection of humanity has been made, in reality, various legal regulations concerning humanity have not been implemented properly. Regarding the humanitarian issues described earlier, the response given by the Government of the Republic of Indonesia is appropriate. However, for several stages of completion, the government of the Republic of Indonesia is still more inclined to use military action which in my opinion is the last stage to be taken. The ICRC as an independent international organization in the humanitarian field has demonstrated its various roles in promoting and increasing respect for human rights in conditions of war, conflict, disaster, as well as under normal conditions. Various real actions have been taken, namely by conducting various seminars, workshops, discussions, book launches, and various other humanitarian activities

## ACKNOWLEDGMENT

None

## CONFLICT OF INTEREST

None

## REFERENCES

- Arifin, Ridwan. *Hukum Internasional: Teori dan Berbagai Perkembangannya*. (Semarang: BPFH UNNES, 2020).
- Bustami, Abd Latif. "Palang Merah di Negeri Bulan Bintang: Sebuah Kajian tentang Strategi Kebudayaan International Committee of The Red Cross (ICRC) di Indonesia". *Jurnal Sejarah dan Budaya* 1, No. 1 (2014): 41-53.
- Farika, Hany. "Peran International Committee of The Red Cross (ICRC) dalam Mengatasi Masalah Kemanusiaan di Aceh Tahun 2004-2006". *Jurnal FISIP* 2, No. 2 (2015): 1-7.
- Haryomataram, KGPH. *Pengantar Hukum Internasional*. (Jakarta: RajaGrafindo Persada, 2005).
- Klabbers, Jan. *International Law*. (Mass: Cambridge University Press, 2020).
- Koh, Harold Hongju. "International law as part of our law." *American Journal of International Law* 98, No. 1 (2004): 43-57.
- Kusumaatmadja, Mochtar. *Pengantar Hukum Internasional*. (Bandung: Penerbit Alumni, 2003).
- Kusumaatmadja, Mochtar. *Konvensi-Konvensi Palang Merah 1949, Mengenai Perlindungan Korban Perang*. (Bandung: Alumni, 2002).
- Marlina, Marlina, "Perlindungan Hak Buruh Migran Oleh Negara dalam Kedudukannya Sebagai Subjek Hukum Internasional", *Pandecta Research Law Journal* 8, No. 2 (2013): 182-195.
- Mauna, Boer. *Hukum Internasional; Pengertian, Peranan & Fungsi dalam Era Dinamika Global*. (Bandung: Alumni, 2001).
- May, Rudi T. *Hukum Internasional I*. (Bandung: Refika Aditama, 2001).
- Parthiana, I Wayan. *Pengantar Hukum Internasional*. (Bandung: Penerbit Mandar Maju, 1990).

Sarapin, Sergey. "The International Committee of the Red Cross and International Human Rights Law". *Oxford Journal of Human Rights Law Review* 9, No. 1 (2009): 95-126. doi.org/10.1093/hrlr/ngn044.

Sefriani, Sefriani. *Hukum Internasional Suatu Pengantar*. (Jakarta: Rajawali Pers, Jakarta, 2019).